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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,105	04/23/2001	Jean-Claude Chevet	PF980073	2816

7590

03/03/2004

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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

11

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/830,105

Applicant(s)

CHEVET ET AL.

Examiner

Leonid Shapiro

Art Unit

2673

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

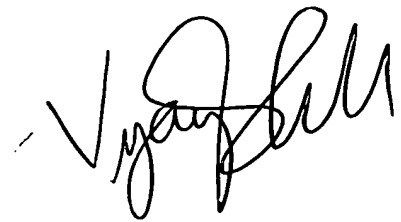
8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

On pages 4-6 of Remarks, filed on 02-17-04, Applicant's discuss a method for separating the information between a common value and specific values by a frame comprising 16 sub-scans with the following weights, using references to different portions of the Specification. However, the Specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding prior art. In re Sporck, 55CCPAA 743, 386 F. 2d 924, 155 USPQ 687 (1968).

From page 6, 3rd to page 7, 2nd paragraph of Remarks, Applicant's stated that '519 patent does not disclose nor suggest the use of different coding of the column control words is performing depending on whether the word relates to an even or odd line, as recited in independent claim 1 of proposed invention. However, this limitation is addressed in '519 patent, claim 1: "coding the gray levels relating to an item of information regarding the luminance of two cells situated in same column and in two adjacent lines as a second control word and a third control word corresponding to specific values" and in claim 4, describing the coding of the gray levels in two (odd and even) adjacent lines.

On page 7, 3rd paragraph of Remarks Applicant stated that is no motivation exists for modifying the invention of claims 1 and 10 of the '519 patent with specific teachings in Van Dijk. However, motivation for combining references could be found in Chevel et al. reference: To reduce contouring problem (See Col. 1, Lines 24-29 by: "the coding of the specific values is chosen in such away as to distribute the resulting error over each of specific values" (See Col. 2, Lines 59-63), "The process for coding gray level of a pixels carried out by separation of the information item to be transmitted between a value specific to the pixel to be coded and to the pixel of the of the adjacent line and the same column" (See Col. 3, Lines 14-28) and in Van Dijk reference to preserve the luminance value: "Each display element which is to be lit during the field period is addressed in one or more of the sub field periods, the sum of the weights factors associated with those sub field periods determining the luminance with which the display element is lit" (See Col. 1, Lines 24-29).



VIJAY SHANKAR
PRIMARY EXAMINER